

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31790 of 2020

Arising Out of PS. Case No.-4 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Raj Kumar (M) aged about 27 years, son of Uday Narayan Sahni, resident of Village - Chhatouni, P.S.- Tariyani, District - Sheohar @ Shivhar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar Singh, Advocate
For the State	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 11-01-2021

Heard Mr. Mritunjay Kumar Singh, learned counsel for the petitioner and Mr. Kumar Ranjit Ranjan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioner is in custody in connection with Hajipur Sadar PS Case No.04 of 2020 dated 03.02.2020, instituted under Sections 302, 120-B of the Indian Penal Code; 27 of the Arms Act, 1959 and 52 of the Prisoner Act, 1900.

3. The allegation against the petitioner is that he being a Warden of a prison, had taken the gun inside the jail premises and the same was used for killing an inmate.

4. Learned counsel for the petitioner submitted that he is innocent and has no role in crime as it has been alleged in the



FIR itself that the weapon was thrown inside the jail premises. It was further submitted that even the later recovery of rupees two lakhs kept under the bed of the petitioner in the barrack was planted and it cannot be believed that the petitioner would keep the money in the barrack, and if at all, he had taken the same, he would have kept it somewhere else. Learned counsel further submitted that nobody has seen the petitioner actually taking the weapon inside the jail premises and keeping it at the alleged spot. It was submitted that charge-sheet has been submitted and the petitioner is in custody since 06.01.2020.

5. Learned APP, from the case diary, submitted that based on the statement of the petitioner, recovery of rupees two lakhs has been made from under his bed in the barrack. It was submitted that if there has been any false implication, such huge amount of rupees two lakhs would not have been recovered as whoever would have falsely implicated him, would not have parted with such huge amount and would have taken the greater part of the money and only a small amount would have been kept, but rupees two lakhs being recovered shows that there is no false implication. It was further submitted that the petitioner being a Warden in a Jail and taking firearm inside fully well knowing that the same will be used for the purpose of killing



someone, obviously, is a direct accomplice in the crime which having been done by misuse of his authority as a Warden, the Court may not grant any indulgence.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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